

Message Text

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11-S
ACTION SP-02

INFO OCT-01 AF-08 IO-13 ISO-00 SS-15 DLOS-06 L-03 OES-06

EB-07 INR-07 ARA-06 EA-07 EUR-12 NEA-10 /103 W
----- 117903

R 211155Z SEP 76
FM AMEMBASSY MONROVIA
TO AMEMBASSY KINSHASA
SECSTATE WASHDC 1999
INFO USMISSION USUN NEW YORK

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E.O. 11652: N/A
TAGS: PLOS, LI
SUBJECT: REPLY OF FONMIN DENNIS TO SEPTEMBER 6 LETTER FROM SECRETARY
ON LOS

KINSHASA PASS TO THE SECRETARY

REF: STATE 220667

1. ACTING FONMIN ON SEPTEMBER 20 PROVIDED THE EMBASSY WITH THE
FOLLOWING REPLY FROM FONMIN DENNIS IN RESPONSE TO THE SECRETARY'S
SEPTEMBER 6 LETTER ON LOS:

2. BEGIN TEXT: SEPTEMBER 10, 1976, MR. SECRETARY:

I HAVE RECEIVED YOUR LETTER OF SEPTEMBER 6, 1976, APPRISING ME OF
THE SITUATION AT THE LAW OF THE SEA CONFERENCE WITH RESPECT TO THE
SENSE OF PESSIMISM AND HOPELESSNESS WHICH NOW SEEMED TO HAVE EN-
SHROUDED THE MOOD OF THE CONFERENCE AND YOUR SUGGESTION FOR A
PACKAGE SOLUTION TO BREAK THE DEADLOCK IN THE NEGOTIATIONS.

I NOTE YOUR CONCERN FOR ADEQUATE FUNDING OF THE AUTHORITY AND I
COULD NOT AGREE WITH YOU MORE THAT THE KEY TO ESTABLISHING THE
"ENTERPRISE" EFFECTIVELY IS TO PROVIDE FOR ADEQUATE FUNDING. HOW-
EVEN, THE DIFFICULTIES ENGENDERED BY THE DIFFERENCE IN CONCEPT
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IN RESPECT OF THE RELATIONSHIP OF THE "ENTERPRISE" REPRESENTING

THE AUTHORITY TO MINERS FROM INDIVIDUAL NATIONS SEEMS TO BE FUNDAMENTAL THROUGH NOT INSURMOUNTABLE, AS I MENTIONED IN MY LETTER OF SEPTEMBER 1, 1976. HOWEVER, BEFORE PASSING ON TO THE NEXT POINT, I SHOULD LIKE TO MENTION CURSORILY THAT MY GOVERNMENT'S POSITION ON THE QUESTION OF THE AUTHORITY IS THAT THE AUTHORITY REPRESENTED BY THE "ENTERPRISE" SHOULD BE THE PRIME EXPLOTIER OF THE SEA-BED AND SUBSOIL THEREOF ON BEHALF OF THE INTERNATIONAL COMMUNITY BUT THAT IT SHOULD ENTER INTO JOINT VENTURES WITH NATURAL OR JURIDICAL PERSONS OR STATES PARTIES TO THE CONVENTION. FURTHER, EXPLOTATION RIGHTS SHOULD BE SUBJECT TO THE CONTROL AND DISCRETION OF THE AUTHORITY. IN ANY CASE, HOWEVER, I DO NOT THINK THAT THE TWO POSITIONS HAVE BECOME SO COMPLETELY OSSIFIED THAT IT IS NOT POSSIBLE TO BRIDGE THE GAP OR FIND A SOLUTION TO THE DIFFICULTIES.

AS I STATED IN MY LETTER OF SEPTEMBER 1, 1976, THE PROBLEMS IN COMMITTEE II (ECONOMIC ZONE) AND COMMITTEE III (SCIENTIFIC RESEARCH), THOUGH DIFFICULT, CAN BE SOLVED, SINCE IN FACT IT DOES NOT APPEAR THAT WE ARE FAR APART. FOR EXAMPLE, MY GOVERNMENT ACCEPTS THE 200 MILE ECONOMIC ZONE ON THE BASIS THAT COASTAL STATES SHOULD HAVE SOVEREIGN RIGHTS OVER THE LIVING AND NON-LIVING RESOURCES OF THE ECONOMIC ZONE AND THAT FREEDOM OF NAVIGATION IN THE ZONE BE UNIMPEDED. YOUR GOVERNMENT'S POSITION, IF I INTERPRET IT CORRECTLY, IS THAT WHILE YOU ACCEPT THE 200 MILE ECONOMIC ZONE YOU CONCEIVE OF A REGIME WITH BALANCED ECONOMIC RIGHTS AND RESPONSIBILITIES IN THE ZONE ON THE PART OF ALL COASTAL STATES WHILE MAINTAINING THOSE HIGH SEAS RIGHTS OF THE INTERNATIONAL COMMUNITY WHICH SERVE THE NEED OF ALL NATIONS.

ON THE QUESTION OF SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE, WE BELIEVE AS YOU DO THAT SUCH RESEARCH MUST BE PROTECTED FOR THE LONG-TERM COOMON GOOD OF MANKIND; BUT WE MAINTAIN THAT THE CONSENT OF THE COASTAL STATE MUST BE OBTAINED AT ALL TIMES.

WITH RESPECT TO DISPUTE SETTLEMENT, OUR VIEWS ARE AS SET OUT IN OUR LETTER OF SEPTEMBER 1, 1976, TO THE EFFECT THAT MY GOVERNMENT HAS ALWAYS BELIEVED IN THE PEACEFUL SOLUTION OF INTERNATIONAL DISPUTES ESPECIALLY OVER SUCH AN AREA AS SENSITIVE AS THE ECONOMIC ZONE.

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LASTLY, I AGREE WITH OU THAT THE INTERESTS OF THE LAND-LOCKED AND OTHER DISADVANTAGED STATES MUST BE ACCOMMODATED, AND MY GOVERNMENT HAS TAKEN A KEEN LOOK AT THESE PROBLEM CAUSED BY GEOGRAPHY.

ON THESE POINTS AND THOSE ON WHICH WE BOTH MIGHT NOT HAVE TOUCHED, I HAVE INSTRUCTED THE LIBERIAN DELEGATION TO COOPERATE WITH YOUR DELEGATION VERY CLOSELY IN WORKING OUT APPROPRIATE

SOLUTIONS TO THE DIFFICULTIES NOW CONFRONTING THE CONFERENCE.

WITH SENTIMENTS OF ESTEEM. SINCERELY YOURS, C. CECIL
DENNIS, JR., MINISTER OF FOREIGN AFFAIRS. END TEXT.
HORAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, DIPLOMATIC COMMUNICATIONS, GOVERNMENT REACTIONS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 21 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MONROV06736
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760357-0246
From: MONROVIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760937/aaaabfvb.tel
Line Count: 120
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SP
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 220667
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 20 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 MAY 2004 by woolflhd>; APPROVED <15 SEP 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REPLY OF FONMIN DENNIS TO SEPTEMBER 6 LETTER FROM SECRETARY ON LOS KINSHASA PASS TO THE SECRETARY
TAGS: PLOS, LI, US, LOS, (DENNIS, C CECIL)
To: KINSHASA STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006